

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

WALTER H. RAMSEY, JR., as trustee of the  
Ramsey Family Revocable Trust, on behalf of  
himself and all others similarly situated

PLAINTIFF

v.

NO. 4:12CV00424 JLH

CONSECO LIFE INSURANCE COMPANY

DEFENDANT

**ORDER**

The Stipulation to Stay All Proceedings, a copy of which is attached and which has been  
approved by the parties, is adopted as the Order of this Court.

IT IS SO ORDERED this 20th day of July, 2012.



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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS

WALTER H. RAMSEY, JR., as trustee of the  
Ramsey Family Revocable Trust, on behalf of  
himself and all others similarly situated,

Case No.: 4:12-CV-424 JLH

Plaintiff

v.

CONSECO LIFE INSURANCE COMPANY,

Defendant.

**STIPULATION TO STAY ALL PROCEEDINGS**

WHEREAS, on July 11, 2012, Defendant Conseco Life Insurance Company (“Conseco”) removed this action to this Court from Circuit Court of Pulaski County, Arkansas;

WHEREAS, at the time of removal, the Circuit Court of Pulaski County, Arkansas, had issued a temporary restraining order that provided as follows (the “TRO”):

By virtue of this Temporary Restraining Order, Defendant is prevented from applying to Plaintiff the “Cost of Insurance” changes it announced by the letter to the Plaintiff dated October 13, 2011. In order to keep his father’s insurance in place, Plaintiff shall be required to pay the yearly premium applicable before implementation of the rate changes described in the October 13 letter. As long as Plaintiff does so, Defendant is prevented from in any way terminating the policy insuring his father (Conseco Policy Number 1090160877).

WHEREAS, before this action was filed in the Circuit Court of Pulaski County, Arkansas, two other class actions have previously been brought challenging the same cost of insurance (“COI”) rate changes that Plaintiff challenges here (the “2011 COI Rate Changes”). The first-filed action, entitled *Yue v. Conseco Life Ins. Co.*, Civ. No. 11-9506 AHM (SHx) (the

“*Yue Action*”), was filed November 15, 2011, and is currently venued in the United States District Court for the Central District of California. The second action, entitled *Nicholas v. Conseco Life Ins. Co.*, Civ. No. 12-4872 AHM (SHx) (the “*Nicholas Action*”), was filed February 6, 2012, and is also currently venued in the United States District Court for the Central District of California. Both the *Yue* and *Nicholas* Actions seek the certification of a nationwide class of plaintiffs to challenge the 2011 COI Rate Changes;

WHEREAS, in the *Nicholas Action*, Nicholas and Conseco have reached a nationwide class action settlement and Nicholas has asked the United States District Court for the Central District of California to preliminarily approve that settlement; and

WHEREAS, in the *Yue Action*, Yue has objected to the nationwide class action settlement in the *Nicholas case*, and Yue and Conseco are currently mediating their dispute over the nationwide class action settlement in the *Nicholas Action* before the Honorable Edward A. Infante, formerly a United States District Court Judge;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the parties as follows:

1. Given the facts set forth above, the parties request that all proceedings in this action be stayed for a period of 60 days from the date of this Stipulation, pending the outcome of mediation and other proceedings in the United States District Court for the Central District; *provided however*, that nothing shall preclude either party from seeking a further stay of all proceedings upon expiration of the 60-day stay, upon the making of a motion for such relief or upon the consent of the other party;

2. That nothing in this Stipulation shall preclude Conseco, upon the termination of any stay of proceedings in this action, from seeking to transfer this action to the United States District Court for the Central District of California, and Plaintiff agrees that Conseco is not waiving any rights to seek such a transfer by entering into this Stipulation or by agreeing to a stay of all proceedings; and

3. If this Stipulation is approved by the Court, the TRO shall remain in effect for the 60-day stay of proceedings contemplated by this Stipulation, and for a period of ten days afterwards. After that 70-day period expires, the TRO shall be deemed dissolved, unless (a) extended by Court order or (b) extended by a Stipulation of the parties.

Dated:

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